

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
FEB 26 2008
[Signature]
CLERK

AMERICAN PRAIRIE CONSTRUCTION
CO., formerly known as North Central
Construction, Inc.,

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CIV 04-1016

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Plaintiff,

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vs-

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ORDER AND OPINION

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TRI-STATE FINANCIAL, LLC and
JOHN HOICH,

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Defendants.

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The appellants have submitted two possible versions of a supersedeas bond. The court brought to the attention of counsel in a memorandum dated February 21, 2008, the numerous deficiencies with the bond originally proposed. Appellants have now addressed each such deficiency and have presented to the court a bond in proper order. There remains only a dispute as to whether the penal sum of \$1,800,000.00 is adequate. It may not be but, given the financial conditions of the appellants, the court should nevertheless approve the bond.

Now, therefore,

IT IS ORDERED, as follows:

1) The motion to approve the supersedeas bond is granted and the appellants shall forthwith and without delay deliver the original bond to the clerk's office for filing.

2) All other pending motions of the appellants are denied.

Dated this 26th day of February, 2008.

BY THE COURT:

Charles B. Kornmann
CHARLES B. KORNMANN
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *Barbara J. Groppe*
DEPUTY

(SEAL)